

Timothy W. Snider, OSB No. 034577  
timothy.snider@stoel.com  
Christopher C. Rifer, OSB No. 125307  
christopher.rifer@stoel.com  
STOEL RIVES LLP  
760 SW Ninth Ave, Suite 3000  
Portland, OR 97205  
Telephone: 503.224.3380

Jeffrey S. Cashdan (*pro hac vice*)  
Zachary A. McEntyre (*pro hac vice*)  
J. Matthew Brigman (*pro hac vice*)  
Allison Hill White (*pro hac vice*)  
KING & SPALDING LLP  
1180 Peachtree Street, N.E.  
Atlanta, GA 30309

Julia C. Barrett (*pro hac vice*)  
KING & SPALDING LLP  
500 W. 2<sup>nd</sup> Street  
Austin, TX 78701

*Counsel for Defendants*

UNITED STATES DISTRICT COURT  
  
DISTRICT OF OREGON  
  
PORTLAND DIVISION

DAVID TAXER and SAUL CORTES,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

PROGRESSIVE UNIVERSAL INSURANCE  
COMPANY and ARTISAN AND  
TRUCKERS CASUALTY COMPANY,

Defendants.

Case No. 3:22-cv-01255-HZ

**JOINT MOTION FOR ENTRY OF A  
STIPULATED PROTECTIVE  
ORDER AND STIPULATED ORDER  
GOVERNING DISCOVERY OF  
ELECTRONICALLY STORED  
INFORMATION**

Plaintiffs David Taxer and Saul Cortes, together with Defendants Progressive Universal Insurance Company and Artisan and Truckers Casualty Company (collectively “the Parties”) collectively submit this Joint Motion for Entry of a Stipulated Protective Order and Stipulated Order Governing Discovery of Electronically Stored Information (“the Joint Motion”), and in support thereof state as follows:

1. The Parties hereby notify the Court that their requested protective order deviates slightly from the form protective order template provided by this Court.

2. A copy of the Parties’ proposed Stipulated Protective Order is attached to this Joint Motion as **Exhibit A**. The terms of Part I of the Stipulated Protective Order are substantially similar to the terms of the district’s template. The terms of Part II of the Stipulated Protective Order employ additional protections for the highly sensitive data belonging to third parties J.D. Power and Mitchell International, Inc., which the parties anticipate will be produced in discovery.

3. The terms of the Stipulated Protective Order do not purport to bind the Court to place documents under seal. The Parties understand that, pursuant to Ninth Circuit law, the Parties are required to file a separate motion stating cause when seeking the sealing of documents, and that it will not be sufficient to state as cause that the Parties agree a document should be sealed.

4. This putative class action is one of over 35 nearly identical statewide class action complaints filed in various courts throughout the United States. Counsel for plaintiffs in each of the cases overlap significantly, and defendants are all represented by King & Spalding LLP.

5. The Parties believe it is most efficient to operate under their proposed Stipulated Protective Order to ensure consistency with the protective orders entered in these other cases.

6. In the first-filed case, *Volino, et al. v. Progressive Cas. Ins. Co., et al.*, No. 21 Civ. 6243 (LGS) (SDA) (S.D.N.Y.), the parties negotiated terms of a protective order and ESI protocol.

7. In subsequent cases, however, plaintiffs sought production of highly sensitive, proprietary data from third-parties J.D. Power and Mitchell International, Inc. The parties and third parties agreed to additional protections for third-party data and amended the terms of the negotiated protective orders accordingly.

8. Plaintiffs intend to seek similar data from third parties in this case and as such, the Parties respectfully ask the Court to allow the negotiated terms related to Part II of the Stipulated Protective Order to deviate from the district's template.

9. The parties have also agreed to an electronic discovery protocol that is identical to the original terms entered in *Volino*. The proposed Stipulated Order Governing Discovery of Electronically Stored Information is attached to this Joint Motion as **Exhibit B**.

10. Plaintiffs have served similar discovery requests in each of the cases, and while the productions in each case vary, the responsive documents significantly overlap.

11. The Parties believe it is most efficient and offers the greatest protection for the information of both parties and non-parties to operate under the same protective order and other terms that govern the other, similar cases.

For these reasons, the Parties respectfully request the Court enter the Stipulated Protective Order and Stipulated Order Governing Discovery of Electronically Stored Information

DATED: October 12, 2023.

**SHAMIS & GENTILE, P.A.**

/s/ Andrew J. Shamis

Andrew J. Shamis\*  
14 NE 1st Avenue, Suite 705  
Miami, FL 33132  
Phone: (305) 479-2299  
Fax: (786) 623-0915  
ashamis@shamisgentile.com

AND

Scott Edelsberg\*  
Christopher Gold\*  
**EDELSBERG LAW, P.A.**  
20900 NE 30<sup>th</sup> Ave., Suite 417  
Aventura, FL 33180  
Phone: (305) 975-3320  
scott@edelsberglaw.com  
chris@edelsberglaw.com

AND

Whitney Stark, OSB No. 090350  
**ALBIES & STARK**  
1 SW Columbia Street, Suite 1850  
Portland, OR 97204  
Phone: (503) 308-4770  
Fax: (503) 427-9292  
whitney@albiesstark.com

*Counsel for Plaintiff*

**STOEL RIVES LLP**

/s/ Timothy W. Snider

Timothy W. Snider, OSB No. 034577  
Christopher C. Rifer, OSB No. 125307  
760 SW Ninth Ave., Suite 3000  
Portland, OR 97205  
Phone: (503) 224-3380  
timothy.snider@stoel.com  
christopher.rifer@stoel.com

AND

Jeffrey S. Cashdan\*  
Zachary A. McEntyre\*  
J. Matthew Brigman\*  
Allison Hill White\*  
**KING & SPALDING LLP**  
1180 Peachtree Street, NE  
Atlanta, GA 30309  
Phone: (404) 572-4600  
Fax: (404) 572-5139  
jcashdan@kslaw.com  
zmcentyre@kslaw.com  
mbrigman@kslaw.com  
awhite@kslaw.com

AND

Julia C. Barrett\*  
**KING & SPALDING LLP**  
500 W 2nd Street  
Austin, TX 78701  
Phone: (512) 457-2000  
jbarrett@kslaw.com

*Counsel for Defendants*

\*Admitted *pro hac vice*